

**REMARKS / ARGUMENTS**

Claims 22 and 40 remain pending in this application. Claims 23-39 and 41-42 have been canceled without prejudice or disclaimer.

**Priority**

Applicants appreciate the Examiner's acknowledgment of the claim for priority.

**35 U.S.C. §101**

Applicants request reconsideration of the rejection of claim 40 under this section. For example, claim 40 specifically recites a "storing unit", which is not merely software per se. Therefore, the claim is statutory.

**35 U.S.C. §112, first and second paragraphs**

Claim 22 and 40 have been amended to overcome the outstanding rejection under these sections. The remaining claims that have been rejected have been cancelled without prejudice or disclaimer in order to expedite prosecution of the present application.

**35 U.S.C. §§102 and 103**

Claims 22 and 40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Toshiaki (JP 11-338797). Claims 26 and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kenichi et al (JP 2000-270006). Claims 23,

25 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiaki and Kenichi et al. Claims 24 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiaki and Takahashi et al (U.S. Patent No. 6,442,589). Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kenichi et al. Claims 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenichi et al and Applicant's Admitted Prior Art. Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiaki and Applicant's Admitted Prior Art. Claims 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiaki, Kenichi et al and Botts et al (U.S. Patent No. 6,122,632). Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiaki, Takahashi et al and Botts et al. Claims 36-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenichi et al and Botts et al. Finally, Claim 39 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kenichi et al, Applicant's Prior Admitted Art and Botts et.al. These rejections are traversed as follows.

Claims 22 and 40 are the only claims that remain pending in the present application and stand rejected under 35 U.S.C. §102(b) as being anticipated by Toshiaki. Toshiaki is discussed on page 1 of the present specification. According to Toshiaki, a sender specifies an emergency type of electronic mail, specifies time in accordance with the rank of the type of emergency, specifies a transfer destination in accordance with the type of emergency and transfers the mail to a predetermined destination when the mail is unopened for a predetermined time.

Toshiaki does not disclose or suggest important features of the presently claimed invention. According to the presently claimed invention, a message is first posted to an electronic mail recipient to urge opening of an unopened electronic mail at a communication terminal different from the electronic mail destination terminal through a second communication means which is different from a first communication means, when the stored mail is not opened by the recipient within a first predetermined time. Secondly, a message is posted to the electronic mail sending source that the electronic mail is unopened, when the stored mail is not opened by the recipient within a second predetermined time after the message to urge opening of the unopened electronic mail is posted to the communication terminal.

Therefore, according to the present invention, a two-step notification of a presence of an unopened electronic mail is obtained through different communication means over a specified time coverage and a notification destination and a communication means for notification may be changed in a flexible manner. Therefore, according to the present invention, the possibility of failing to receive notification of the presence of unopened mail is minimized. This is of crucial importance when electronic mail is used in an important transaction such as in a business transaction setting. The deficiencies in Toshiaki are not overcome by resort to the remaining references. As such, it is submitted that claims 22 and 40 patentably define the present invention over the cited art.

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**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By \_\_\_\_\_  
Shrinath Malur  
Reg. No. 34,663  
(703) 684-1120